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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,610	09/28/2006	Daniel Baertschi	1322.1130101	5005
28/075 7590 04/29/2009 CROMPTON, SEAGER & TUFTE, LLC 1221 NICOLLET AVENUE SUITE 800 MINNEAPOLIS, MN 55403-2420				
			EXAMINER	
			CULLER, JILL E	
			ART UNIT	PAPER NUMBER
			2854	
			MAIL DATE	DELIVERY MODE
			04/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/594,610

Applicant(s)

BAERTSCHI ET AL.

Examiner

JILL E. CULLER

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant is advised that the Notice of Allowance mailed March 9, 2009 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

The indicated allowability of claims 8-15 is withdrawn in view of the reference(s) to Moetteli. Rejections based on this reference follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable U.S. Patent No. 6,655,280 to Cartellieri et al. in view of U.S. Patent No. 4,773,327 to Moetteli

With respect to claims 8-9, Cartellieri et al. teaches an ink fountain, 5, for a printing machine, having a base with a blade holder, in which said blade holder comprises a number of adjacent sectors, 11-13, which can be moved by adjusting

means in order to vary the distance between said sectors and the circumference of an ink fountain roller, 1, said ink fountain additionally comprising a blade, 3, which is interposed between said sectors and the circumference of the ink fountain roller and which has a continuous edge intended to maintain a defined ink thickness on the ink fountain roller, the ink thickness being adjusted by said continuous edge of the blade and defined by the position of said sectors, which is transmitted to said blade, wherein said blade rests along a plane thereof directly on a surface of said sectors and is held fixedly with respect to said blade holder. See column 3, line 64 - column 4, line 28 and Figs. 1-4.

Cartellieri et al. does not teach that a deformable plastic is deposited between the sectors to improve the sealing between them.

Moetteli teaches an ink fountain for a printing machine having a blade, 14, comprising a number of adjacent sectors, 26, which can be moved by adjusting means, 22, in order to vary the distance between said sectors and the circumference of an ink fountain roller, 12, wherein a deformable plastic, 40, is deposited between the sectors to improve the sealing between them. See column 3, lines 26-60, column 4, lines 11-36, column 6, lines 15-17 and Figs. 1-3.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Cartellieri et al. to include the deformable plastic seals, as taught by Moetteli, in order to block a flow of ink between the metering segments.

With respect to claim 15, Cartellieri et al. teaches the sectors are moved by rotation. See column 5, lines 5-8 and Fig. 5.

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cartellieri et al. in view of Moetteli, as applied to claims 8-9 and 15 above, and further in view of U.S. Patent No. 5,778,785 to Blackwell.

Cartellieri et al. and Moetteli teach all that is claimed, as in the above rejection of claims 8-9 and 15, except that the blade is a metal blade and includes a ceramic deposit to reinforce said edge of the blade.

Blackwell teaches an ink fountain having a doctor blade wherein the blade is a metal blade and includes a ceramic deposit to reinforce said edge of the blade. See column 3, line 60 - column 4, line 6 and column 4, lines 32-37.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the apparatus of Cartellieri et al. to have a metal and ceramic blade, as taught by Blackwell, in order to better maintain the ink thickness.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cartellieri et al. in view of Moetteli, as applied to claims 8-9 and 15 above, and further in view of U.S. Patent No. 5,662,043 to Fischer et al.

With respect to claims 12-13, Cartellieri et al. and Moetteli teach all that is claimed, as in the above rejection of claims 8-9 and 15, except that the blade is screwed into the blade holder, and therefore held on the blade holder by a fastening piece.

Fischer et al. teaches an ink fountain having a blade, 11, screwed into a blade holder, 3, and therefore held on the blade holder by a fastening piece. See column 3, lines 13-18 and Fig. 1.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the apparatus of Cartellieri et al. to attach the blade to the blade holder using screws, as taught by Fischer et al., in order to securely connect the two parts of the apparatus.

With respect to claim 6, Cartellieri et al. and Moetteli teach all that is claimed, as in the above rejection of claims 8-9 and 15, except that the sectors are moved by deformation.

Fischer et al. teaches an ink fountain having an adjacent number of sectors, 11, which are moved by deformation. See column 2, lines 55 - 67 and Fig. 1.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the apparatus of Cartellieri et al. to move the blades by deformation in order to individually control the distance of each blade from the roller.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JILL E. CULLER whose telephone number is (571)272-2159. The examiner can normally be reached on M-F 10:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jec

/Jill E. Culler/
Primary Examiner, Art Unit 2854